

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

Case No. VN-2010-3314

ERIC RYAN SISK  
802 Fedora Avenue  
Clovis, CA 93612

Applicant for Vocational Nurse License

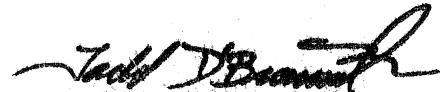
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on November 21, 2012.

IT IS SO ORDERED this 22<sup>nd</sup> day of October, 2012.



Todd D'Braunstein, FT  
President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **ERIC RYAN SISK**  
14 **802 Fedora Avenue**  
**Clovis, CA 93612**  
15 **Vocational Nurse License**

16 Respondent.

Case No. VN-2010-3314

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the  
22 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her  
23 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
24 State of California, by Geoffrey S. Allen, Deputy Attorney General.

25 2. Respondent Eric Ryan Sisk (Respondent) is representing himself in this proceeding  
26 and has chosen not to exercise his right to be represented by counsel.

27 ///

28 ///

3. On or about January 21, 2011, Respondent filed an application dated December 1, 2010, with the Board of Vocational Nursing and Psychiatric Technicians to obtain a Vocational Nurse License (Application).

## JURISDICTION

4. Statement of Issues No. VN-2010-3314 (Statement of Issues) was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on March 19, 2012.

5. A copy of the Statement of Issues is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in the Statement of Issues. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in the Statement of Issues.

///

///

10. Respondent agrees that his Application for a Vocational Nurse License is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

1 In the first report, Respondent shall provide a list of all states and territories where he has  
2 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.  
3 Respondent shall provide information regarding the status of each license and any change in  
4 license status during the period of probation. Respondent shall inform the Board if he applies for  
5 or obtains a new nursing or psychiatric technician license during the period of probation.

6 Respondent shall provide a copy of the Board's decision to the regulatory agency in every  
7 state and territory in which he has applied for or holds a vocational/practical nurse, psychiatric  
8 technician and/or registered nurse license.

9 **4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).**

10 Respondent shall notify the Board, in writing, within five (5) days of any change in address or  
11 telephone number(s).

12 Respondent's failure to claim mail sent by the Board may be deemed a violation of these  
13 probation conditions.

14 **5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.**

15 Respondent shall notify the Board, in writing, within five (5) days, if he leaves California to  
16 reside or practice in another state. Periods of residency or practice outside of California shall not  
17 apply toward a reduction of this probation time period. If Respondent resides or practices outside  
18 of California, the period of probation shall be automatically extended for the same time period he  
19 resides or practices outside of California. The Respondent shall provide written notice to the  
20 Board within five (5) days of any change of residency or practice.

21 Respondent shall notify the Board, in writing, within five (5) days, upon his return to  
22 California.

23 **6. MEETINGS WITH BOARD REPRESENTATIVE(S).** Respondent shall appear  
24 in person at meetings as directed by the Board or its designated representatives.

25 **7. NOTIFICATION TO EMPLOYER(S).** When currently employed or applying for  
26 employment in any capacity in any health care profession, Respondent shall notify his employer  
27 of the probationary status of Respondent's License. This notification to the Respondent's current  
28 health care employer shall occur no later than the effective date of the Decision. The Respondent

1 shall notify any prospective health care employer of his probationary status with the Board prior  
2 to accepting such employment. At a minimum, this notification shall be accomplished by  
3 providing the employer or prospective employer with a copy of the Board's Statement of Issues  
4 and Disciplinary Decision.

5 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,  
6 Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical  
7 Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical  
8 health care positions.

9 Respondent shall cause each health care employer to submit to the Board all performance  
10 evaluations and any other employment related reports as required by the Board. Respondent shall  
11 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of  
12 such an event.

13 Respondent shall notify the Board, in writing, within five (5) days of any change in  
14 employment status. Respondent shall notify the Board, in writing, if he is terminated or  
15 separated, regardless of cause, from any nursing or health care related employment with a full  
16 explanation of the circumstances surrounding the termination or separation.

17 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall  
18 work in his licensed capacity in the state of California. This practice shall consist of no less than  
19 six (6) continuous months and of no less than twenty (20) hours per week.

20 Respondent shall not work for a nurses' registry or in any private duty position, a temporary  
21 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or  
22 as an instructor in a Board approved continuing education course except as approved, in writing,  
23 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined  
24 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

25 **9. SUPERVISION REQUIREMENTS.** Before commencing or continuing  
26 employment in any health care profession, Respondent shall obtain approval from the Board of  
27 the supervision provided to the respondent while employed.

28 ///

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at his own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should Respondent's License expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's License shall be subject to any and all conditions of this probation not previously satisfied.

12. **LICENSE SURRENDER.** During probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the conditions of probation.



1 Surrender of Respondent's license shall be considered a disciplinary action and shall  
2 become a part of Respondent's license history with the Board. A licensee who surrenders his  
3 license may petition the Board for reinstatement no sooner than the following minimum periods  
4 from the effective date of the disciplinary decision for the surrender:

5 Three (3) years for reinstatement of a license surrendered for any reason other than a mental  
6 or physical illness; or One (1) year for a license surrendered for a mental or physical illness.

7 **13. VIOLATION OF PROBATION.** If Respondent violates the conditions of his  
8 probation, the Board, after giving the respondent notice and an opportunity to be heard, may set  
9 aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the  
10 respondent's license. If during probation, an accusation or petition to revoke probation has been  
11 filed against the respondent's license or the Attorney General's Office has been requested to  
12 prepare an accusation or petition to revoke probation against the respondent's license, the  
13 probationary period shall automatically be extended and shall not expire until the accusation or  
14 petition has been acted upon by the Board.

15 **14. CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS.** Within  
16 five (5) days of the effective date of the Decision, Respondent shall begin attendance at a  
17 chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse  
18 Support Group). Verified documentation of attendance shall be submitted by the respondent with  
19 each written report as required by the Board. Respondent shall continue attendance in such a  
20 group for the duration of probation.

21 **15. ABSTAIN FROM CONTROLLED SUBSTANCES.** Respondent shall completely  
22 abstain from the personal use or possession of controlled substances, as defined in the California  
23 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of  
24 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for  
25 a bona fide illness.

26 **16. ABSTAIN FROM USE OF ALCOHOL.** Respondent shall completely abstain  
27 from the use of alcoholic beverages and products containing alcohol.

28 ///

1           17.   **SUBMIT BIOLOGICAL FLUID SAMPLES.** Respondent shall immediately  
2 submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee.  
3 There will be no confidentiality in test results; positive test results will be immediately reported to  
4 the Board and the respondent's current employer.

5   ///

6   ///

7   ///

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED:

7-27-12

  
ERIC RYAN SISK  
Respondent

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated:

$$8 \mid 3 \mid 12$$

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

Don

GEOFFREY S. ALLEN  
Deputy Attorney General  
*Attorneys for Complainant*

SA2011102686  
10924835.doc

**Exhibit A**

**Statement of Issues No. VN-2010-3314**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. VN-2010-3314

12 **ERIC RYAN SISK**  
13 **802 Fedora Avenue**  
14 **Clovis, CA 93612**

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Statement of  
20 Issues solely in her official capacity as the Executive Officer of the Board of Vocational Nursing  
21 and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 **Application Information**

23 2. On or about January 21, 2011, the Board received an Application for Vocational  
24 Nurse Licensure from Eric Ryan Sisk ("Respondent"). On or about December 1, 2010, Eric Ryan  
25 Sisk certified under penalty of perjury to the truthfulness of all statements, answers, and  
26 representations in the application. The Board denied the application on August 10, 2011.

27 ///

28 ///

## STATUTORY PROVISIONS

3. Section 2866 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Section 480 of the Business and Professions Code ("Code") states, in pertinent part:

(a) A board may deny a license regulated by this Code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3)(A) Done any act that if done by a licentiate of the business or profession in question would be grounds for suspension or revocation of a license.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self administration of

any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

## FIRST CAUSE FOR DENIAL OF APPLICATION

### (Criminal Convictions)

7. Respondent's application is subject to denial pursuant to Code section 480, subdivision (a)(1), in that Respondent has been convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a licensed vocational nurse:

a. On or about February 23, 1993, in the Tulare County Municipal Court, Visalia Division, Visalia, California in the matter entitled *People vs. Eric Ryan Sisk*, 1993, Case No. CR-0013202-A, Respondent was convicted by the court following his plea of guilty to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08 or more), a misdemeanor and Vehicle Code section 14601.1, subdivision (a) (driving when driving privilege is suspended or revoked), a misdemeanor. The circumstances of the crime are that on or about January 30, 1993, Respondent was arrested for driving under the influence of alcohol after he lost control of his vehicle and landed in a Sheriff's Deputy's front yard. Respondent's blood alcohol level measured .19%.

b. On or about December 17, 2002, in the Tulare County Superior Court, Visalia Division, Visalia, California in the matter entitled *People vs. Eric Ryan Sisk*, 1993, Case No. CR-TR-02-0101972-2, Respondent was convicted by the court following his plea of no contest to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor with a special allegation for having a blood alcohol level over .20%. The circumstances of the crime are that on or about November 24, 2002, Respondent was arrested for driving under the influence of alcohol following a traffic stop. Respondent's blood alcohol level measured .24%.

c. On or about November 26, 2008, in the State of North Carolina, County of Yadkinville, in the matter entitled *State of North Carolina vs. Eric Ryan Sisk*, 2003, Case No. 03-CR 2147, Respondent was convicted by the court following his plea of no contest to a violation of G.S. 20-138.1 (unlawfully and willfully operate a motor vehicle while subject to an impairing

1 substance), a misdemeanor. The circumstances of the crime are that on or about October 25,  
2 2003, Respondent was arrested for driving under the influence of alcohol following a traffic stop.

3 d. On or about October 25, 2005, in the Superior Court, County of Tulare, California in  
4 the matter entitled *People vs. Eric Ryan Sisk*, 2005, Case No. TCM151382, Respondent was  
5 convicted by the court following his plea of nolo contendere to a violation of Vehicle Code  
6 section 23152., subdivision (b) (driving with a blood alcohol level of .08% or more); with a  
7 special allegation for a prior DUI conviction, set forth in subparagraph b, above; Vehicle Code  
8 section 14601.1, subdivision (a) (driving when privilege is suspended or revoked); and Penal  
9 Code section 148, subdivision (a)(1) (resist, obstruct, delay a peace officer), all misdemeanors.  
10 The circumstances of the crime are that on or about August 20, 2005, Respondent was arrested  
11 for driving under the influence of alcohol after he was stopped at a DUI check point. When told  
12 to move his vehicle to the first area, Respondent left the check point and was apprehended a short  
13 distance from the check point and arrested. Respondent's blood alcohol level measured .23%.

14 e. On or about March 29, 2006, in the Superior Court, County of Tulare, California in  
15 the matter entitled *People vs. Eric Sisk*, 2005, Case No. TCM157870, Respondent was convicted  
16 by the court following his plea of no contest to a violation of Vehicle Code section 23152,  
17 subdivision (b) (driving with a blood alcohol level of .08% or more); with a special allegation for  
18 a prior DUI convictions, set forth in subparagraphs b and d, above, and Vehicle Code section  
19 14601.1, subdivision (a) (driving when privilege is suspended or revoked); both misdemeanors.  
20 The circumstances of the crime are that on or about December 11, 2005, Respondent was arrested  
21 for driving under the influence of alcohol following a traffic stop. Respondent's blood alcohol  
22 level measured .20%.

## 23 SECOND CAUSE FOR DENIAL OF APPLICATION

### 24 (Committed Acts if Committed by a Licentiate Constitute Cause for 25 Suspension or Revocation of License)

26 8. Respondent's application is subject to denial pursuant to Code section 480,  
27 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate of the  
28 profession would constitute cause for discipline pursuant to Code section 2878, subdivisions (a)



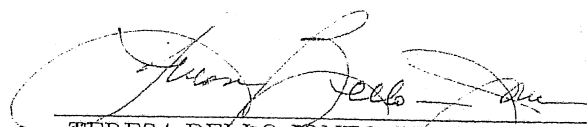
1 and (f). and Code section 2878.5, subdivisions (b) and (c), as more particularly set forth in  
2 paragraph 7, above.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
6 issue a decision:

- 7 1. Denying the application of Eric Ryan Sisk for a vocational nurse license; and,  
8 2. Taking such other and further action as deemed necessary and proper.  
9

10 DATED: March 13, 2012

11   
12 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
13 Executive Officer  
14 Board of Vocational Nursing and Psychiatric Technicians  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 SA2011102686  
28 10796601.doc